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UNITED STATES DISTRICT COURT
CLARK COUNTY, NEVADA

RICHARD O'BRINGER, Individually,

Plaintiff,

vs.

PROGRESSIVE CASUALTY INSURANCE
COMPANY dba PROGRESSIVE; DOES I
through X, inclusive; and ROE BUSINESS
ENTITIES I through X, inclusive; jointly and
severally,

Defendants.

2:23-cv-00100-RFB-EJY

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
(FOURTH REQUEST)**

Plaintiff RICHARD O'BRINGER, individually, and Defendant PROGRESSIVE
CASUALTY INSURANCE COMPANY, by and through their respective counsel, request this
Honorable Court to extend the discovery deadlines 60 days as set forth herein.

I. LOCAL RULE 6-1 IS SATISFIED

This is the fourth request for an extension of discovery deadlines filed by the parties. The
first extension was filed January 8, 2024, a second on March 7, 2024, and the third on June 6, 2024.
This Stipulation and request for extension of discovery dates is made more than twenty-one (21)
days before the expiration of the deadline for discovery in this case, which is currently October 8,

2024, with initial experts due August 12, 2024. This extension will accommodate the availability of one of Plaintiff's expert to finalize his report and be available for deposition.

Pursuant to the controlling Discovery Plan, the following dates govern for purposes of discovery:

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|--------------------------------|--------------------|
| 1. Discovery Cutoff Date: | October 8, 2024 |
| 2. Initial Expert Disclosure: | August 12, 2024 |
| 3. Rebuttal Expert Disclosure: | September 10, 2024 |
| 4. Dispositive Motions: | November 8, 2024 |
| 5. Joint Pre-Trial Order: | December 6, 2024 |

Plaintiff filed his First Amended Complaint on November 14, 2023, followed by Defendant's Answer to First Amended Complaint on December 20, 2023. Plaintiff's Amended Complaint asserted significant additional facts underscoring his theories of liability. Since that filing, the parties have worked jointly within the availability of critical fact witnesses, including claim adjuster Debi Bruns-Lake, whose deposition was taken on February 13, 2024. The parties are now working on identifying and producing additional witnesses.

Further, Defendant requested and received the Rule 35 Examination of Plaintiff. The parties worked to conclude that examination on May 13, 2024. Defendant has taken the deposition of Plaintiff's providers, including Dr. Khavkin, Dr. Flangas and Dr. Sinkov. Both parties would like to have their respective experts consider and comment upon the written report of the examination. The specific discovery remaining to be completed is:

- Deposition of remaining percipient witness, Donna Bergstrom;
- Disclosure of expert witnesses (initial and rebuttal);
- Deposition(s) of all expert witnesses; and
- Any additional written discovery.

Based on the foregoing, the parties have agreed to extend the discovery deadline by 30 days.

The instant request comports with Local Rule 6-1 in that no request is made after the specified period expires.



II. LOCAL RULE 26-3 IS SATISFIED

The instant request to extend discovery deadlines satisfies the requisites of Local Rule 26-3. Additionally, good cause exists for the extension. As addressed above, the parties are working cooperatively to schedule and obtain the deposition testimony of third parties who are necessary to the asserted claims and defenses. Discovery has also been delayed due to the trial schedule for Defendant counsel in May and June, 2024. As such, additional time is required to complete discovery. The parties need additional time to procure records, schedule depositions, and complete any additional discovery. Accordingly, the parties are requesting a 30-day extension to all discovery deadlines.

Listed below is a statement specifying the discovery completed in this case:

Plaintiff's Initial List of Witnesses and Documents Pursuant to FRCP 26(a)	February 21, 2023
Defendant's Disclosure of Witnesses and Exhibits Pursuant to FRCP 26(f)	March 3, 2023
Plaintiff's First Supplement to Initial List of Witnesses and Documents Pursuant to FRCP 26(a)	March 9, 2023
Defendant's First Set of Requests for Admission, Requests for Production and Interrogatories to Plaintiff	April 3, 2023
Plaintiff's Answers to Defendant's First Set of Requests for Admissions	April 26, 2023
Plaintiff's Responses to Defendant's First Set of Requests for Production	April 27, 2023
Plaintiff's Second Supplement to Initial List of Witnesses and Documents Pursuant to FRCP 26(a)	April 10, 2024
Plaintiff's Answers to Defendant's First Set of Interrogatories	May 1, 2023
Plaintiff's Third Supplement to Initial List of Witnesses and Documents Pursuant to FRCP 26(a)	June 2, 2023
Plaintiff's Fourth Supplement to Initial List of Witnesses and Documents Pursuant to FRCP 26(a)	July 24, 2023
Deposition of Plaintiff Richard O'Bringer	September 29, 2023
Defendant's First Supplemental Rule 26(a) Disclosures	November 17, 2023
Plaintiff's Fifth Supplement to Initial List of Witnesses and Documents Pursuant to FRCP 26(a)	November 22, 2023
Defendant's Second Supplemental Rule 26(a) Disclosures	February 12, 2024
Deposition of Debi Bruns-Lake	February 13, 2024
Defendant's Second Set of Requests for Production and Interrogatories to Plaintiff	January 8, 2024



1	Defendant's Third Supplemental Rule 26(a) Disclosures	March 5, 2024
2	Depo of Yevgeniy Khavkin, M.D.	March 6, 2024
3	Plaintiff's Sixth Supplement to Initial List of Witnesses and Documents Pursuant to FRCP 26(a)	March 7, 2024
4	Plaintiff's Seventh Supplement to Initial List of Witnesses and Documents Pursuant to FRCP 26(a)	March 7, 2024
5	Deposition of Gary Flangas, M.D.	March 8, 2024
6	Depo of Vladimir Sinkov, M.D.	April 1, 2024
7	Plaintiff's Requests for Admissions to Defendant	April 8, 2024
8	Defendant's Fourth Supplemental Rule 26(a) Disclosures	April 8, 2024
9	Defendant's Fifth Supplemental Rule 26(a) Disclosures	April 9, 2024
10	Stipulation and Order for FRCP Rule 35 Examination of Plaintiff	April 30, 2024
11	Rule 35 Examination of Plaintiff	May 13, 2024
12	Plaintiff's Eighth Supplement to Initial List of Witnesses and Documents Pursuant to FRCP 26(a)	May 14, 2024
13	Defendant's Response to Admissions	May 23, 2024

Under Local Rule 26-3(d), it is necessary to articulate a proposed schedule for completing all remaining discovery. The parties are requesting an additional 30 days be afforded for discovery.

The following deadlines are requested.

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|--|--------------------|
| 1. Discovery Cutoff Date: | November 7, 2024 |
| 2. Amending the Pleadings/Adding Parties | Closed |
| 3. Initial Expert Disclosure: | September 11, 2024 |
| 4. Rebuttal Expert Disclosure: | October 10, 2024 |
| 5. Dispositive Motions: | December 9, 2024 |
| 6. Joint Pre-Trial Order: | January 6, 2025 |

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The parties hereby stipulate the proposed changes in the discovery deadlines.

DATED: August 8, 2024

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ORDER

IT IS SO ORDERED.

DATED: August 8, 2024


U.S. MAGISTRATE JUDGE

